IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO.386 of 2005

Between:

Yandapalli Satyanarayana, S/o. Late Veeranna,
R/o. Jainvarigudem Village, Buttaigudem Mandal,

West Godavari District.

..... PETITIONER

AND

1 The Special Deputy Collector, Tribal Welfare, K.R. Puram,
West Godavari District.
2 The Special Deputy Tahsildar (TW), K.R. Puram,
West Godavari District.
3 The Mandal Revenue Officer, Buttaigudem Mandal,
Buttaigudem, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order direction more particularly one in the nature of Writ of Mandamus declaring the orders in S.R.No.53/2001 dt.26-06-2001 as illegal arbitrary and without having any power under the provisions of regulation 1/70 and amounts to violation of principles of natural justice and violative Article 300-A of the Constitution of India.

Counsel for the Petitioner: MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

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ORDER:

On an application moved by the second respondent alleging that one Mudunuru Venkata Subba Rao (not party to this case) contravened the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1959 (hereafter called the Regulation) and occupied certain land, the first respondent initiated action under Section 3(2)(a) of Regulation against the said Subba Rao. However, after issuing notice to the opposite parties, the first respondent dropped action on the ground that earlier in S.R.No.85 of 1997 dated 15.10.1997, the first respondent allowed the claim of the Deputy Tahsildar. It is now the case of the petitioner that though he is in possession of the land purchased by his father under registered sale deed dated 22.4.1969 and though the first respondent initiated the proceedings in S.R.No.151 of 1997 dropped action against the petitioner, the Mandal Revenue Officer, is interfering with the possession of the petitioner.

Though the interlocutory application is listed today, the matter was heard finally and disposed of by this order.

A reading of the orders passed on 28.10.1997 and 26.6.2001 by the first respondent would show that the land, which is claimed by the petitioner in Survey No.378/2 Part and the land, which is subject matter of S.R.No.53 of 2001, is altogether different. Therefore, unless and until there is any adverse proceedings against the petitioner, the Mandal Revenue Officer can neither direct the petitioner to vacate the land nor take any coercive steps.

The petitioner filed the writ petition alleging that the respondents 2 and 3 are trying to eject him. The learned Government Pleader opposing the writ petition submits that the Mandal Revenue Officer is not issued any proceedings and that the writ petition is filed on mere apprehension. The submission made by the learned Government Pleader is recorded.

The writ petition, with the above observations, is disposed of.

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(**V.V.S.RAO,J**)

July 15, 2005.

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To

1 The Special Deputy Collector, Tribal Welfare, K.R. Puram,
West Godavari District.
2 The Special Deputy Tahsildar (TW), K.R. Puram,
West Godavari District.
3 The Mandal Revenue Officer, Buttaigudem Mandal,
Buttaigudem, West Godavari District.

4 Two CCs to the Government Pleader for Social Welfare,

High Court Buildings, Hyderabad. (OUT)

5 Two C.D. Copies.